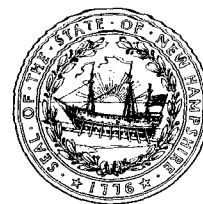




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
SP 05-012**

December 19, 2005

Mark Fecteau
46 Minge Cove Rd
Alton, NH 03810

RE: DES Wetlands File #2005-01999 Wallstern Rd, Alton

Dear Mr. Fecteau:

On December 6, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 59 as Lot 1-B (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act, RSA 483-B, and NH Code of Admin. Rules Env-Ws 1400-1411 and RSA 482-A and the NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. The construction building envelope on the lakeward side of the house measured approximately 42 feet out from the building footprint and on the east side of the house the construction building envelope measured approximately 53 feet out from the building footprint. RSA 483-B provides for a 15 foot construction building envelope on the lakeward side of the house and 25 foot construction building envelope on the landward sides.
2. Construction of a paved turn around or additional parking area located south of the house site crossed a defined stream channel. The construction of this paved area included installation of a 12 inch by 27 foot culvert (#1) with associated headwalls impacting a jurisdictional area measuring approximately 4 feet wide and 27 feet long.
3. A second culvert (#2) was installed under the driveway which continues the conveyance of the jurisdictional hydrology from culvert #1.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan for the woodland buffer to DES for review and approval. Have the restoration plan prepared by a wetland scientist or professional environmental consultant, and include provisions for restoring the native vegetated buffer outside the allowable construction building envelope on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with the reference line, primary building setback, existing building footprint with the allowable construction building envelope; and
 2. Proposed conditions after reestablishing the vegetated buffer;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the tree species at breast height, and container sizes for shrubs and ground cover. Saplings should be a minimum of 8-10 feet in height, shrubs no less than 1 gallon container size and all plantings should be from the list of New Hampshire native and naturalized species (enclosed).
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Within 60 days of receipt of this Letter of Deficiency, submit a restoration plan for the culvert installations to DES for review and approval. Have the restoration plan prepared by a wetland scientist or professional environmental consultant, and include provisions for removing culvert #1 and submit a Standard Dredge and fill application to retain the driveway culvert #2 installed for access on the Property. Submit the following with the restoration plan:
- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries delineated in accordance with Section "F" of the Army Corps manual; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*).
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
3. Retain a qualified wetland scientist or professional environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
4. Implement the restoration plans only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876 or by email at jblecharczyk@des.state.nh.us.

Sincerely,

 **COPY**

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 3051

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Alton Conservation Commission
Alton Board of Selectmen
Alton Code Enforcement Officer
USACOE